

MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
BUDGET AND ADMINISTRATION COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
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2ND FLOOR
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SACRAMENTO, CALIFORNIA

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Carl Washington, Chairperson

Jose Medina

Linda Moulton-Patterson

Michael Paparian

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Kathryn Tobias, General Counsel

Terry Jordan, Deputy Director

Jim Lee, Deputy Director

Pat Schiavo, Deputy Director

Don Dier

Nate Gauff

Jim LaTanner

Wes Mindermann

Carla Repucci

Elena Yates

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PROCEEDINGS

CHAIRPERSON WASHINGTON: The meeting is called to order.

We ask that all cell phones be turned off.

Secretary call the roll.

SECRETARY LINDRUD: Medina?

COMMITTEE MEMBER MEDINA: Here.

SECRETARY LINDRUD: Moulton-Patterson?

COMMITTEE MEMBER MOULTON-PATTERSON: Here.

SECRETARY LINDRUD: Paparian?

COMMITTEE MEMBER PAPARIAN: Here.

SECRETARY LINDRUD: Washington?

CHAIRPERSON WASHINGTON: Here.

All right. We'll now have our Deputy Director's report.

DEPUTY DIRECTOR JORDAN: Thank you, Chair, and Committee members. Terry Jordan with the administration and Finance Division.

I'd like to start by just giving you a couple of little updates. The Legislative Analyst's report came out a couple of weeks ago. And as you may know, this is the report where they analyze everyone's proposed budget in the Governor's budget and report on it as to whether they think it's reasonable or not.

The Waste Board has typically had something in

1 there. This year we're not mentioned at all. So we're
2 kind of under the radar screen. One of the things that is
3 a big focus and obviously an emphasis for the Legislative
4 Analysts is are those general fund agencies that are
5 suffering reductions. Since we're special funded, we
6 weren't mentioned.

7 It's that time of year again when the executive
8 director, the legislative director, myself and our budget
9 officer go over for legislative hearings. A couple of us
10 went over on March 5th for the CalEPA overview hearing.
11 And there are -- our first hearing will be with the
12 assembly on -- excuse me, with the Senate. It's a
13 prehearing on April 1st. On April 9th, we'll be in the
14 Assembly Subnumber 3 budget hearing. And on April 10th,
15 we will be in the Senate Budget Hearing.

16 Just a quick mention. In administrative services
17 we have put out what we call a civil service examination
18 call letter, so that each of the programs can advise us if
19 there are exams that are needed to fulfill resource needs
20 within their programs.

21 On another note, I don't know if -- some of you
22 may not be aware that the Waste Board was selected to
23 participate in the Department of General Services
24 Partnership Council related to an ongoing effort by DGS to
25 understand customer requirements.

1 In my position as the Waste Board's procurement
2 and contracting manager, I have been invited to represent
3 the Waste Board as a member of the council. There are
4 only 20 State departments that have been invited to
5 participate as members. And, of course, we happen to be
6 one of the invitees.

7 The purpose of the membership in the DGS
8 Partnership Council is primarily to participate with DGS
9 and other large departments, and sharing experiences
10 discussing processes and creating and setting policy.

11 In addition, the key objectives are to provide a
12 permanent venue for DGS to furnish current information and
13 program updates to its customers; offer a regularly
14 scheduled customer forum where State agencies can
15 communicate with DGS about its programs and services;
16 offer a setting where DGS and its customers can discuss
17 timely issues and mutual concerns and exchange information
18 and ideas about how to address the issues; and to operate
19 a steering group for organizing advisory groups and user
20 teams to work on issues of mutual concern to DGS and its
21 customers.

22 The most recent meeting was scheduled and took
23 place this morning at the Ziggurat building in West
24 Sacramento. And I had the pleasure of attending. Topics
25 that we discussed included changes and improvements at

1 DGS; the State fleet reduction, which we advised you of
2 and their implementation; and the status of procurement
3 reform, which is an ongoing effort.

4 DGS is attempting to make great strides to become
5 more customer focused and responsive. And the 20 State
6 agencies are working with them to do so. And, of course,
7 in turn, see what we can do to improve ourselves.

8 On another note, as part of the environmental
9 management system, the environmentally preferred
10 procurement implementation planning team made 6
11 recommendations to the administrative chiefs within the
12 CalEPA and to the EMS Steering Committee.

13 The recommendations were well received by both
14 the administration chiefs and the steering committee. The
15 work was a collaborative effort among business services
16 within CalEPA.

17 With the positive feedback received from the
18 admin chiefs and the steering committee, the next steps of
19 implementation will begin. On the top of the list is a
20 development of a CalEPA boardwide -- or departmentwide
21 what we call EPP Environmentally Preferred Purchasing
22 procurement policy to support the overarching EMS
23 environmental policy, of which of course Member Paparian
24 is the Chair.

25 And that's all I have on the report.

1 CHAIRPERSON WASHINGTON: Thank you. Any
2 questions for the Deputy Director?

3 Mr. Paparian.

4 COMMITTEE MEMBER PAPARIAN: Just really quickly.
5 I just want to point out thank you, TJ, for your great
6 work on the EPP group and the work of all your staff. I
7 think that amongst the 6 BDO's in CalEPA our staff really
8 stepped up to the plate and helped to twist arms is maybe
9 too strong a term, but certainly helped to convince their
10 counterparts and a lot of other CalEPA entities that it's
11 a good thing to buy recycled, and it's a good thing to
12 recycle, and it's a good thing to reduce your procurement,
13 both financially and for environmental reasons.

14 DEPUTY DIRECTOR JORDAN: Thank you. I'll let the
15 staff know.

16 COMMITTEE MEMBER PAPARIAN: Thank you.

17 CHAIRPERSON WASHINGTON: Before we get into the
18 agenda, I would like to make sure if any members have any
19 ex partes.

20 COMMITTEE MEMBER MOULTON-PATTERSON: I have none.

21 CHAIRPERSON WASHINGTON: Mr. Medina?

22 COMMITTEE MEMBER MEDINA: Just one. That was a
23 communication from the one that I read at a prior meeting.

24 CHAIRPERSON WASHINGTON: Thank you. And I have
25 none.

1 COMMITTEE MEMBER PAPARIAN: And I'm up to date.
2 I just talked to Liz Hill about the State budget, but
3 that's not really an ex parte, that's a crisis.

4 (Laughter.)

5 CHAIRPERSON WASHINGTON: Thank you.

6 All right. We'll move into our agenda.

7 Let me notice to Madam Deputy Director and
8 members, for the sake of our members, B through I are all
9 on fiscal consent. What I would like to do if it's okay
10 with the members, instead of having staff come up and
11 spend 20 minutes or 10 minutes or whatever doing their
12 presentations, just to let staff know, once you start if
13 there's a consensus among the Board to move the item,
14 we'll just interrupt you and move forward, so you don't
15 have to just stand there -- and so you won't feel like
16 you've been disrespected.

17 I know you guys spent a lot of time putting your
18 presentations and your Powerpoints together, and we really
19 do appreciate it.

20 DEPUTY DIRECTOR JORDAN: Thank you. Yes Item B
21 or Board Item 1 will be presented by Elena Yates.

22 (Thereupon an overhead presentation was
23 Presented as follows.)

24 MS. YATES: Good afternoon, Committee Chair and
25 Board Members. I'm Elena Yates from the Waste Tire

1 Diversion Section of the Special Waste Division. This
2 presentation is for Committee item B, consideration of the
3 grant awards for the waste tire track and other
4 recreational surfacing grant program for fiscal year
5 2002/2003.

6 The Five Year Plan approved by the Board at its
7 March 2001 meeting designated \$1 million to fund the waste
8 tire track and other recreational surfacing grant program
9 for 5 fiscal years, beginning in fiscal year 01/02.

10 This item is its second cycle under the 5 Year
11 Plan. The Board received 31 grant applications requesting
12 more than \$2.7 million in funding.

13 Staff is recommending that the Board approve
14 option 1 and award funds to the 11 applicants that passed
15 the grant review process for a combined total of \$1
16 million in funding as indicated in Resolution Number
17 2003-146.

18 --o0o--

19 MS. YATES: To utilize the entire current
20 allocation for this program, staff recommends fully
21 funding 10 applications and partially funding one
22 application.

23 Staff recommends that the Board also approve the
24 ranking of the 10 remaining passing applicants. Staff is
25 requesting approval to enter into grant agreements with

1 the applicants for the waste tire track and other
2 recreational surfacing grant programs in order of ranking
3 until allocated funds are exhausted.

4 In addition, staff is requesting approval for the
5 ranking of the remaining applicants to be used for
6 possible future consideration from reallocation monies for
7 a total of the \$948,545.

8 If the Board approves all funding
9 recommendations, then 21 projects would be funded for a
10 total of \$1,948,545.

11 Grant applications were scored based on the
12 criteria and evaluation process approved by the Board at
13 its July 2002 board meeting.

14 Staff mailed the Notice Of Funds Available to
15 more than 4,000 potential applicants in northern and
16 southern California, in August of 2002.

17 Economic needs. Of the 31 applications scored, 3
18 applicants qualified to receive points for the economic
19 need criterion. All 3 applicants are from northern
20 California and received a passing score. Two of the
21 applicants are in the reallocation item. The number of
22 points they received depended on the state median
23 household income of the project zip code area. All 3
24 applicants received five points and qualified for the
25 extreme financial hardship.

1 Staff will be presenting the criteria for the
2 third cycle of the waste tire track and other recreational
3 surfacing grant program in July of 2003.

4 Staff recommends that the Board approve
5 resolution number 2003 and award a total of \$1 million to
6 the 11 projects as listed in the resolution.

7 That completes my presentation. Do you have any
8 questions?

9 CHAIRPERSON WASHINGTON: Thank you.

10 Any questions?

11 Mr. Medina.

12 COMMITTEE MEMBER MEDINA: I have no questions. I
13 just wanted to move the resolution.

14 CHAIRPERSON WASHINGTON: We have a motion on
15 resolution 2003-146.

16 And a second?

17 COMMITTEE MEMBER MOULTON-PATTERSON: Second.

18 CHAIRPERSON WASHINGTON: Second. Motion by Mr.
19 Medina, seconded by the Chair.

20 Secretary call the roll.

21 SECRETARY LINDRUD: Medina?

22 COMMITTEE MEMBER MEDINA: Aye.

23 SECRETARY LINDRUD: Moulton-Patterson?

24 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

25 SECRETARY LINDRUD: Paparian?

1 COMMITTEE MEMBER PAPARIAN: Aye.

2 SECRETARY LINDRUD: Washington?

3 CHAIRPERSON WASHINGTON: Aye.

4 All right.

5 DEPUTY DIRECTOR JORDAN: Item C or Board Item 3
6 will be presented by Dave Volden. Mr. Lee would like to
7 make a comment.

8 DEPUTY DIRECTOR LEE: Good afternoon, Chairman
9 Washington and Committee Members. Yesterday, at the
10 presentation before the Specialist Waste and Market
11 Development Committee, staff brought to the Committee's
12 attention an inadvertent oversight relative to the permit
13 check list requirement for the potential grantees.

14 Specifically, it was staff's intention to request
15 a waiver for the permit check list, but this request was
16 not reflected in the agenda item or resolution.

17 We discussed with the Special Waste Committee a
18 plan to bring back before the Budget Committee this
19 afternoon and the full board a revised resolution
20 requesting this exclusion as part of the overall grant
21 award.

22 After some additional discussions with the legal
23 staff, it was determined that noticing requirements would
24 not be met under staff's proposal. Therefore, we are
25 asking the Committee's consideration and the Board's

1 approval of the grant award resolution as currently
2 written without any consideration of the permit check list
3 requirement.

4 Staff will bring a separate narrowly defined
5 agenda item and resolution forward next month specifically
6 to request this exemption from the permit requirements for
7 the applicants receiving the waste tire enforcement
8 grants.

9 Because of this unresolved nature of this permit
10 check lists issue the Special Waste Committee had
11 recommended that the item be held over for discussion
12 before the full board.

13 If there are any questions on that particular
14 issue, I'd be pleased to answer them, other wise I'll turn
15 this over to Don Dier to make a brief presentation on the
16 rest of the item.

17 CHAIRPERSON WASHINGTON: Any questions?

18 Mr. Dier.

19 MR. DIER: Brief presentation. This item
20 represents a significant shift for the Board as reflected
21 in the 5 Year Tire Plan to give more involvement at local
22 government in our inspection and surveillance with the
23 waste tire program.

24 We're increasing our participants from 8 this
25 year to we have 25 applicants up for award. We find this

1 very encouraging, and also will be a big challenge.

2 The Board had allocated \$4 million in the plan
3 and these applications totaled \$3,877,304. So with the
4 Committee's concurrence, we ask that resolution 2003-149
5 be approved.

6 CHAIRPERSON WASHINGTON: Any questions from the
7 Committee?

8 Mr. Paparian.

9 COMMITTEE MEMBER PAPARIAN: Thank you. Don, just
10 a couple quick questions about the equipment portion of
11 the grants. In some of the big -- can you give me a
12 ballpark of some of the bigger grants about how much is
13 for equipment versus staff and --

14 MR. DIER: In aggregate, for all of the grants
15 totaling about \$55,000 in equipment that typically
16 includes computers, cameras. There is some surveillance
17 equipment, some night-vision equipment. But it's really
18 up to each jurisdiction as to what they feel they need to
19 add to whatever their current equipment list is.

20 COMMITTEE MEMBER PAPARIAN: Is \$55,000 an average
21 or an aggregate?

22 MR. DIER: No, that's the total for all of the
23 grants. That's the total.

24 COMMITTEE MEMBER PAPARIAN: Does anything happen
25 to this equipment if the grantee gets a new computer or

1 night-vision equipment or whatever it might be this year,
2 and then doesn't come back for a grant next year, do we
3 get that equipment back or do they get to keep it?

4 MR. DIER: No. TJ, do you -- you looked like you
5 were ready to jump in there.

6 Under grants, they keep them I believe, right?

7 DEPUTY DIRECTOR JORDAN: Yes.

8 COMMITTEE MEMBER PAPARIAN: Fifty-five thousand,
9 I'm not too bothered by that. But when we come back next
10 time on this, what I would worry about is somebody who
11 comes in, gets a grant for much of the equipment, does a
12 little bit of work one year, and then he gets to keep all
13 that equipment in the future. So, again, nothing on this
14 cycle, but maybe next cycle we can flag that as something
15 to think about --

16 MR. DIER: That's something we'd be looking for.

17 COMMITTEE MEMBER PAPARIAN: -- whether it needs
18 to be addressed or not because I --

19 MR. DIER: We're looking at this as long-term
20 relationships. This is the beginning of -- because this
21 is a transitional period that we're shifting. The next
22 cycle will be a 12-month cycle, so we're on a fiscal year
23 cycle for the grants. And that's a continuing effort.

24 But that's something that we'd want to look at to
25 see what we paid for before and not have it be --

1 COMMITTEE MEMBER PAPARIAN: We'll probably have
2 some come and getting that once they get a bunch of nifty
3 equipment and then keep it to do other things.

4 MR. DIER: That was part of the paring down. We
5 had originally 4.3 million as requested. And we got it
6 down to a level below 4 million. Part of that was cutting
7 out some of what we thought was excessive requests.

8 COMMITTEE MEMBER PAPARIAN: Thank you.

9 CHAIRPERSON WASHINGTON: Any other questions?

10 COMMITTEE MEMBER MOULTON-PATTERSON: Just real
11 quickly. Now, we were able to fund everybody that
12 applied?

13 MR. DIER: Yes, this is noncompetitive.

14 COMMITTEE MEMBER MOULTON-PATTERSON: And the fact
15 that there's a lot more northern California cities than
16 southern California, I know we've been over this before,
17 but is just because those were the only ones that applied
18 from southern California?

19 MR. DIER: Correct.

20 COMMITTEE MEMBER MOULTON-PATTERSON: Is there any
21 way that we could encourage -- you know, I mean is the
22 word getting out to southern California cities, because
23 it's been kind of a pattern.

24 MR. DIER: We did have a very aggressive
25 marketing campaign last year when we shifted to the

1 noncompetitive -- can't say continuous funding, but we're
2 trying to address the concerns as to why we didn't have
3 applicants before, because there wasn't certainty. They
4 can't staff up if they've only got one year of funding.

5 So with some assurances that if they come in this
6 year they'll continue, we went out north to south and
7 everywhere. And these are the ones that we got in. I've
8 got 18 jurisdictions that I want to try and get into the
9 program next cycle, and we'll be targeting them.

10 COMMITTEE MEMBER MOULTON-PATTERSON: Thank you.

11 CHAIRPERSON WASHINGTON: Any other questions,
12 comments?

13 Is there a motion?

14 COMMITTEE MEMBER MOULTON-PATTERSON: I'll move
15 it.

16 CHAIRPERSON WASHINGTON: We've got a motion by
17 Chair Moulton-Patterson.

18 Do we have a second?

19 COMMITTEE MEMBER MEDINA: Second.

20 CHAIRPERSON WASHINGTON: Second by Mr. Medina.

21 COMMITTEE MEMBER MOULTON-PATTERSON: To approve
22 Resolution 2003-149.

23 COMMITTEE MEMBER PAPARIAN: Mr. Chairman, just
24 real quick. Did you fix that? There's a cut and paste
25 problem. We should have a clean resolution for the Board

1 meeting.

2 MR. DIER: That's been corrected.

3 COMMITTEE MEMBER PAPARIAN: Great. Thank you.

4 CHAIRPERSON WASHINGTON: All right. Without
5 objection, we will substitute the previous roll call?

6 All right.

7 Next item.

8 DEPUTY DIRECTOR JORDAN: Item D, I will turnover
9 to Mr. Lee.

10 DEPUTY DIRECTOR LEE: Mr. Chairman, Item 5,
11 Committee Item D, is consideration of a contractor for
12 evaluation of the northern and southern California
13 rubberized asphalt concrete technology center's contract,
14 Tire Recycling Management Fund Fiscal 2002/2003.

15 Staff proposed that Sjoberg Evashenk Consulting
16 LLC, I guess it's Evashenk Consulting LLC be awarded
17 \$97,340 as the consultant for this evaluation. This item
18 was heard by the Special Waste and Market Development
19 Committee and recommend for consent.

20 I have Nate Gauff of our staff available to do a
21 brief presentation if that's the desire of the Committee.

22 COMMITTEE MEMBER PAPARIAN: Good job. I'll move
23 Resolution 2003-147 revised with the Sjoberg Evashenk and
24 \$97,340 for them.

25 CHAIRPERSON WASHINGTON: I have a motion.

1 Second?

2 COMMITTEE MEMBER MEDINA: Second.

3 CHAIRPERSON WASHINGTON: Seconded by Mr. Medina
4 for resolution 2003-147 revised.

5 Without objection, substitute the previous roll
6 call.

7 Next.

8 DEPUTY DIRECTOR JORDAN: Committee Item E or
9 Board Item 8 will be presented by Jim LaTanner.

10 MR. LaTANNER: Jim LaTanner, Supervisor for the
11 Recycling Market Development Revolving Zone Loan Program.

12 Item E, Board Agenda Item 8, presents an RMDZ
13 loan to Golden By-Products Inc. dba Scrap Tire Company in
14 the amount of \$1,375,000. For this fiscal year the loan
15 program was budgeted to lend \$10 million -- actually, I
16 take it back. I'm sorry, this loan was out of the tire
17 fund.

18 For this year out of the tire fund we were
19 allocated \$2 million. There is presently \$1,630,000
20 available. After this loan, there remains \$255,000
21 available, and we have contacted Special Waste to have
22 them reallocate because we do not have an application for
23 those funds.

24 Staff recommends approval of Resolution 2003-192
25 in the amount of \$1,375,000 out of the tire fund for this

1 loan.

2 Any questions?

3 CHAIRPERSON WASHINGTON: Questions?

4 Motion?

5 COMMITTEE MEMBER MOULTON-PATTERSON: I'll move to
6 approve Resolution 2003-192.

7 CHAIRPERSON WASHINGTON: I have a motion by Chair
8 Moulton-Patterson.

9 COMMITTEE MEMBER MEDINA: Second.

10 CHAIRPERSON WASHINGTON: Second by Mr. Medina for
11 resolution 2003-192.

12 Without objection we will substitute the previous
13 roll call.

14 DEPUTY DIRECTOR JORDAN: Committee Item F or
15 Board Item 9 will also be presented by Jim LaTanner.

16 MR. LaTANNER: This is an RMDZ loan to Electronic
17 Partners Cooperation in the amount of \$700,000 to be
18 funded out of the RMDZ subaccount. For this fiscal year
19 the subaccount has \$10 million to begin with.

20 COMMITTEE MEMBER MEDINA: So moved.

21 CHAIRPERSON WASHINGTON: We have a motion by Mr.
22 Medina.

23 COMMITTEE MEMBER PAPARIAN: Second.

24 CHAIRPERSON WASHINGTON: Seconded by Mr. Paparian
25 for Resolution 2003-193.

1 Without objection, we'll substitute the previous
2 roll call.

3 COMMITTEE MEMBER MEDINA: Thanks.

4 DEPUTY DIRECTOR JORDAN: Committee Item G or
5 Board Item 27 will be presented by Wes Mindermann.

6 MR. MINDERMANN: Good morning, Mr. Chairman and
7 members of the Committee. Agenda Item G this afternoon
8 requests augmentation of an existing contract under the
9 solid waste clean up program. I have a brief
10 presentation. This item was previously heard in the
11 Permitting and Enforcement Committee and was recommended
12 for fiscal consensus. I can give the presentation or go
13 right into the conclusion.

14 (Laughter.)

15 COMMITTEE MEMBER MOULTON-PATTERSON: I have no
16 questions.

17 CHAIRPERSON WASHINGTON: No questions.

18 COMMITTEE MEMBER MOULTON-PATTERSON: So moved.

19 CHAIRPERSON WASHINGTON: I have a motion by Chair
20 Moulton-Patterson.

21 COMMITTEE MEMBER MEDINA: Second.

22 CHAIRPERSON WASHINGTON: Seconded by Mr. Medina.

23 Without objection, we'll use the previous roll
24 call.

25 Thank you, sir. Good job.

1 DEPUTY DIRECTOR JORDAN: Committee Item H or
2 Board Item 28 will be presented by Scott walker.

3 ACTING DEPUTY DIRECTOR WALKER: Thank you. This
4 item is consideration of augmentation of the environmental
5 services contract for the Closed, Illegal and Abandoned
6 Sites program, contract IWM-C0130. The Permitting and
7 Enforcement Committee heard this item and passed it to the
8 full board for consideration under full consent.

9 If you you'd like me to present --

10 COMMITTEE MEMBER PAPARIAN: So moved.

11 COMMITTEE MEMBER MEDINA: Second.

12 CHAIRPERSON WASHINGTON: We've got a motion by
13 Mr. Paparian and a second by Mr. Medina on Resolution
14 2003-187.

15 Without objection, we'll use the previous roll
16 call.

17 Thank you, Mr. Walker.

18 DEPUTY DIRECTOR JORDAN: Item I or Board Item 29
19 will be presented by Carla Repucci.

20 (Thereupon an overhead presentation was
21 Presented as follows.)

22 MS. REPUCCI: Good afternoon, Mr. Chairman and
23 committee members. My name is Carla Repucci and I will
24 present Committee Agenda Item I for the consideration of 2
25 applications for farm and ranch soiled waste cleanup and

1 abatement grants. This item was heard by the Permitting
2 and Enforcement Committee on March 10th and recommended
3 for fiscal consent. If the Committee would like I could
4 do a presentation or we can move to the resolution.

5 CHAIRPERSON WASHINGTON: I looked at the Chair.

6 COMMITTEE MEMBER PAPARIAN: So moved.

7 COMMITTEE MEMBER MEDINA: Second.

8 CHAIRPERSON WASHINGTON: We've got a motion by
9 Mr. Paparian and a second by Vice Chair Medina on
10 Resolution 2003-188. Thank you very much. We appreciate
11 the time.

12 We'll substitute the previous roll call.

13 DEPUTY DIRECTOR JORDAN: Committee Item J or
14 Board Item 24 will also be presented by Scott walker.

15 ACTING DEPUTY DIRECTOR WALKER: Thank you. Scott
16 Walker Permitting and Enforcement Division. This item is
17 update on the year 2000 Bureau of State Audits report.

18 This item was heard also in front of the
19 Enforcement Committee as Item L. And I would presume that
20 the Chair would like us to go through it, so we will
21 proceed with it.

22 (Thereupon an overhead presentation was
23 Presented as follows.)

24 ACTING DEPUTY DIRECTOR WALKER: What we're going
25 to cover in this presentation is basically a broad history

1 of the audit, go through the recommendations of the audit
2 report, actions taken in response, and ongoing activities
3 related to the audit.

4 --o0o--

5 ACTING DEPUTY DIRECTOR WALKER: The Joint
6 Legislative Audit Committee requested audit of the Board's
7 regulatory structure to determine if it achieves the
8 legislative intent of protecting public health and safety
9 and the environment.

10 It also requested review of permit processes for
11 the Sunshine Canyon Landfill and a sample of three other
12 landfills.

13 This effort was quite extensive and basically the
14 audit staffers kind of camped out in our offices, reviewed
15 a lot of our records. They went to a lot of board
16 meetings. And it culminated in the issuance in December
17 of 2000 of the report.

18 And the report concluded the Board has limited
19 authority and weak oversight that diminished its ability
20 to protect public health and safety and the environment.

21 This was the broad conclusion, and it certainly
22 was -- there was a lot of questions and concern about some
23 of the basis and the facts behind the audit report. A lot
24 of concern from stakeholders. But notwithstanding those
25 concerns, the Board carefully went through and really

1 thoroughly analyzed and evaluated the audit report
2 recommendations and followed up on each one of the items
3 in various ways.

4 There have been at least 27 committee and board
5 agenda items directly related to the audit report, and a
6 lot of indirect actions and they still are ongoing.

7 --oOo--

8 ACTING DEPUTY DIRECTOR WALKER: The audit report
9 had 16 recommendations, and they could be summarized into
10 some broad categories. Authority, policies, inspection
11 enforcement, landfill closure post-closure, environmental
12 impacts, diversion rate calculations.

13 We'll just go through some of these
14 recommendations.

15 --oOo--

16 ACTING DEPUTY DIRECTOR WALKER: The first 2
17 recommendations concern landfill capacity.

18 Recommendation number 1 is explore options for
19 taking into account the necessity for increased landfill
20 capacity as a factor in granting permits.

21 The second recommendation is update of the
22 Board's database and to require local governments to
23 report accurate landfill capacity on an annual basis in a
24 consistent manner.

25 In July of 2001, the Board directed staff to

1 pursue policies or regulations for the landfill capacity
2 information which the Board has continued to proceed with.
3 The important thing is though that capacity is a factor in
4 granting permits. It requires legislation. We do not
5 have that authority. The concept to try to develop some
6 concept in that area was not directed by the Board. It
7 retains a lot of opposition from a number of stakeholders
8 with the potential of shifting authority for landfill
9 capacity from the local level to the State level.

10 So that was a major aspect of what the Board
11 deliberated quite extensively on. In spite of that
12 though, the Board has proceeded, the staff has proceeded
13 with a lot of efforts to get better information on a
14 statewide basis. We also had a Permitting and Enforcement
15 Committee workshop on landfill capacity.

16 And in April of 2003, next month, we plan to
17 bring forward an item for consideration to start a formal
18 rulemaking on the permit application form which would give
19 us better consistent information.

20 --o0o--

21 ACTING DEPUTY DIRECTOR WALKER: The next 2
22 recommendations center around the environmental justice
23 issue.

24 Recommendation number 3 is to develop a proposal
25 for incorporating environmental justice into its

1 permitting process and submit the proposal to CalEPA for
2 approval. If the proposal is approved, the Board -- the
3 recommendation is that the Board seek legislative
4 authority to deny permits if EJ concerns exist.

5 The 4th recommendation is to track demographic
6 information on communities where solid waste facilities
7 are located and make this information available to the
8 public.

9 In January, there was quite an extensive
10 discussion of boardwide coordinated efforts to comply with
11 legislation concerning the EJ issue. Around the time of
12 the audit report, there was a lot of interest in the
13 Legislature in the EJ issue, and there was a number of
14 very groundbreaking bills in this area.

15 And 2 of those are SB 89 and SB 115. SB 89 is
16 Escutia and SB 115 is Solis. 115 was in 1999, and it kind
17 of set some of the stage.

18 It created the CalEPA, EJ working group. And the
19 Board has participated in that board wide. The Board's
20 also heavily followed up on EJ issues in terms of
21 incorporating EJ aspects in all aspects of board programs
22 including grants, including our permit -- or our agenda
23 item templates which we now include EJ -- demographic
24 information and also EJ issues as they are identified.

25 --o0o--

1 ACTING DEPUTY DIRECTOR WALKER: The Board also --
2 a major part of the EJ effort of the Board concerns the
3 strategic plan, which includes goal 6 that was adopted,
4 continuously integrate environmental justice concerns into
5 all of the Board's programs and activities, including
6 administrative and budgetary decisions.

7 And Rubia Packard has kind of been taking the
8 lead on a lot of that. And she will coordinate a
9 presentation to the Board at the meeting next week on Goal
10 6 the status.

11 Other activities. The Board has a contract with
12 UC Santa Cruz to assess and increase community
13 participation again in all board processes. And again
14 we're now providing a lot of demographic information on EJ
15 information in our agenda items including permits.

16 Another thing to point out in terms of ongoing
17 activities in this area, is that the P&E Committee
18 directed staff in January to research the level of
19 community outreach for previous permits issued, and also
20 to come back with some options. And so staff is involved
21 in that effort right now. And we'll hopefully get back to
22 the Committee in perhaps May on that.

23 We also continue to facilitate communications
24 between community groups and landfill operators and the
25 whole Bradley permit is an example of the increased

1 effort.

2 And also we're continuing to work with the
3 CalEPA/EJ working group on their final recommendations
4 which we will be apart of.

5 --o0o--

6 ACTING DEPUTY DIRECTOR WALKER: Recommendation 5.

7 CHAIRPERSON WASHINGTON: Mr. Walker, just before
8 you continue. On number 3, it's very interesting. I
9 found out some information. Develop a proposal for EJ and
10 permitting process and submit the proposal to CalEPA for
11 approval. If approved, Board should seek Legislative
12 authority to deny permits if EJ concerns exist.

13 And there is a bill, Senate Bill 1542, by Escutia
14 that I voted for, when I was in the Assembly. And that
15 bill says the bill will require that countywide city
16 elements submitted or revised on or after January 1st,
17 2003 include a description of the actions taken by the
18 City or County to solicit public participation by the
19 affected communities. Why isn't that mentioned in this?

20 ACTING DEPUTY DIRECTOR WALKER: No. Actually,
21 that's true. And that is being implemented. It's not --
22 I think it does tie indirectly into the audit report. And
23 I know that the Diversion, Planning and Local Assistance
24 division is actually implementing, if not, they're in the
25 process of implementing that bill right now.

1 And they do have a guidance document. I believe
2 they have a guidance document prepared, and I can
3 certainly bring Pat up here to talk a little bit more
4 about it if you'd like.

5 CHAIRPERSON WASHINGTON: Yeah. I just think
6 that -- Mr. Paparian, do you have something?

7 COMMITTEE MEMBER PAPARIAN: As I recall, maybe as
8 Pat comes up he can help answer this question, but as I
9 recall these county items are updated fairly infrequently.
10 Maybe you can help enlighten us as to how quickly
11 we might see this kind of implemented throughout the
12 State.

13 DEPUTY DIRECTOR SCHIAVO: Typically, as Mr.
14 Paparian just stated, we rarely will see updated
15 countywide siting elements, because most of the siting
16 elements include the proposed sites within their plans.
17 If proposed, that means it was already identified, so that
18 would fulfill the requirements.

19 Our staff are currently working to implement, you
20 know, the legislation. But, again, we're beginning the
21 process. It was passed this last year. And we have
22 actively been pursuing that.

23 CHAIRPERSON WASHINGTON: Do you know how long,
24 Pat, it would be before this is implemented?

25 DEPUTY DIRECTOR SCHIAVO: You know, I'll check

1 with staff and I can get back to you right away on that.

2 CHAIRPERSON WASHINGTON: I would appreciate that.

3 Any other questions or comments?

4 All right, Mr. Walker, you can continue.

5 --o0o--

6 ACTING DEPUTY DIRECTOR WALKER: Recommendation
7 number 5 is to discontinue the use of the 1994 policy that
8 allows concurrence with permits for landfills that have
9 long-term violations of State Minimum Standards. If the
10 Board believes the policy is necessary, it should request
11 the Legislature to grant it the authority to issue permits
12 to long-term violators under defined circumstances. This
13 is the long-term land film gas violation policy.

14 And in January of 2001, the Board directed staff
15 to work with member offices to develop regulatory concepts
16 that address this issue. At the time, the Board felt that
17 there was still a need for this policy to remain in
18 effect, and therefore it was continued to be used until
19 regulations were adopted.

20 In August of 2002, the Board directed staff to
21 initiate regulatory concepts. And again the Committee
22 brought this up last month to try to give us a little, you
23 know, push to kind of ramp this up. And so what we have
24 done is in accordance with the Board's direction, staff
25 has established required technical advisory group with

1 tasks and time lines to continue this informal process,
2 and also consideration of the regulations to start the
3 process which is projected to come to the Committee and
4 Board in July of 2003.

5 One thing I'd like to point out is that since the
6 audit report -- we have used the policy -- invoked the
7 policy about 20 times. And since the audit report, we
8 only used it once in January 2001. We used it again the
9 last month for the Tehama County Red Bluff Landfill.

10 We only have one -- the Board has done a really
11 good job of getting landfills into compliance. And there
12 really are few landfills left that potentially would
13 invoke this process. In fact, we have one on the
14 long-term violation list that potentially could invoke
15 this process. So we have one left. So that's one thing
16 to consider in that in terms of meeting the intent of what
17 the recommendation is.

18 CHAIRPERSON WASHINGTON: Is there, and I guess I
19 can ask Madam Chair or any board members, is there a
20 reason why we didn't want to discontinue the use of this
21 particular policy or staff or whoever wants to answer
22 that?

23 And I only raise this concern because I talked to
24 Senator Alarcon, and I think what is happening, because
25 Senator Alarcon is going to take -- to use this audit as a

1 blueprint. And what we do over in the Legislature, when I
2 was a member of the Legislature, we took audits and we
3 used them as a book for why we wanted to dismantle or
4 disban any particular agency or boards or things of that
5 nature.

6 And if the Joint Legislative Audit said this
7 should occur and it hasn't occurred, then it just raises
8 red flags over in the Legislature. And I'm just trying to
9 figure out why we didn't. Is there a particular reason we
10 didn't take that advice and do away with that?

11 ACTING DEPUTY DIRECTOR WALKER: Let me also
12 correct or modify something I said. I didn't want to
13 imply that we retained it as it is. We did modify it
14 substantially with the Board Member group, with Board
15 Member Jones and Roberti. So it was constrained
16 considerably and tightened up.

17 I think the issue with landfill gas --

18 CHAIRPERSON WASHINGTON: I'm sorry, I don't want
19 to be complicating it, but just answer my question,
20 tighten up meaning that we will continue to allow
21 landfills to violate long-terms violations.

22 ACTING DEPUTY DIRECTOR WALKER: Well, I think
23 what it did was it allowed the Board -- or essentially
24 established a policy that was supported by the legal
25 office's interpretation that the Board could concur in the

1 solid waste facility permit under specific circumstances
2 where there was a landfill gas control standard in
3 violation along the ground, but the operator was
4 protecting public health and safety and taking all
5 appropriate steps to bring it into compliance.

6 CHAIRPERSON WASHINGTON: So the answer, Scott, is
7 you're right, we did not take their advice and do away
8 with this policy. So we are still, according to the Joint
9 Legislative Audit, in violation of what they said you need
10 to discontinue with this policy.

11 CHIEF DEPUTY DIRECTOR NAUMAN: Mr. Washington,
12 perhaps I could weigh in on this one since I was involved
13 with the P&E at the time that the audit was conducted, and
14 the follow-up steps.

15 I think maybe a better way to characterize it is
16 there was an existing policy. And what we did was we
17 substantially changed the terms of that policy. We did 2
18 things. We changed the substance of it, really narrowed
19 it down so that we were responding to the concern raised
20 in the audit that we had this broad policy that allowed
21 landfills to be in long-term violations.

22 So we substantially constrained that and took the
23 next step of changing it from a policy to put it into
24 regulations, so it would be very clear that we had a
25 statutory basis for it. I think part of the criticism

1 from the audit was that the nature of the policy that we
2 had in place at the time really didn't have a solid
3 statutory basis.

4 And so we did respond to the audit by changing it
5 and making it consistent with statute and then putting it
6 in regulation. And so that's what the staff is working on
7 now, taking that concept and going through the regulatory
8 process.

9 CHAIRPERSON WASHINGTON: I can appreciate that.
10 But I can tell you guys this is a dangerous -- I mean I
11 know you guys did as much as you can to try to fix this
12 situation. But I think we're headed down a slippery slope
13 when we don't take the advice of the Legislative Joint
14 Audit folks who are looking at all of our agencies and
15 saying these are some things -- this is a real hot spot
16 issue right here.

17 And I just want to serve notice to this agency
18 that if I were on this Board at the time, I would have
19 pushed real hard to discontinue use of this policy.

20 And I mean we'll be here all day as to the whys
21 and how we get there, but I can tell you the blueprint for
22 dismantling agencies and boards, this is the type of stuff
23 that they'll use to do that for. Because they'll go back
24 and say we told you in 2000 to do it and you're still
25 using the policy even though you put it here, even though

1 you did that, you've not done away with it. And that's
2 all I'm saying is that, you know, at some point we need to
3 do away with some of these things.

4 And I know we have some of the greatest minds on
5 staff in terms of how we help these landfills come into
6 compliance and I believe that we do have the staff to know
7 how to do that without having these particular policies in
8 place.

9 And so I'm going to be pushing now, as a board
10 member, to see if we can do away with some of this stuff,
11 so we don't have that lingering over in the Legislature.

12 Madam Chair.

13 COMMITTEE MEMBER MOULTON-PATTERSON: I just
14 wanted to address that Mr. Washington. I really am glad
15 that you're bringing it up and I'm glad that you and Mike
16 both had this on your committees. Because to be quite
17 frank we have a different board now. And, you know, so
18 taking a new look at this, I think is real important.

19 CHAIRPERSON WASHINGTON: Thank you very much.

20 ACTING DEPUTY DIRECTOR WALKER: I'd just like to
21 add, Board Member Washington, is that in July when we
22 bring this back, you know, the Board can reconsider the
23 policy. That is certainly an option.

24 CHAIRPERSON WASHINGTON: Thank you.

25 COMMITTEE MEMBER PAPARIAN: I think you can look

1 forward to an extended conversation with Mr. Jones, gas
2 and all its ramifications.

3 CHAIRPERSON WASHINGTON: I have no problem with
4 that, as you know.

5 ACTING DEPUTY DIRECTOR WALKER: Now, we'll shift
6 to Recommendation 6, which actually is a policy that we
7 did remove. We did do as the audit recommended.

8 And that is to discontinue the use of its 1990
9 enforcement policy that allows operators to violate the
10 terms and conditions of their permits without first
11 obtaining a permit revision. And this is the formally
12 called PEP policy for back from 1990.

13 And in November of 2000, actually we already
14 started looking at this before the audit report. And
15 there was a number of focus group meetings that were done
16 with stakeholders. And the Board directed an interim
17 modification to the policy, and directed that regulations
18 be developed.

19 In 2001, a modified policy was rejected and staff
20 was directed to develop emergency regulations. And again
21 the emergency regulations brought up the situation whereby
22 it's essentially under very limited circumstances there
23 are certain temporary emergencies that would warrant some
24 flexibility in this area. But the broad permit
25 enforcement policy was rejected.

1 In August 2001 the Board approved these emergency
2 regulations and recently they were adopted in December of
3 2002, and they are -- we are awaiting OAL approval, which
4 is anticipated in late March.

5 --o0o--

6 ACTING DEPUTY DIRECTOR WALKER: Shifting into the
7 areas of inspection and enforcement, 3 recommendations.

8 Number 7 is to continue to improve Board
9 performance in conducting landfill inspections every 18
10 months.

11 Number 8 is continue the Board's efforts to
12 modify enforcement regulations related to tracking
13 compliance with notice and orders.

14 And number 9 is to ensure LEAs require operators
15 to comply with notice and orders by dates specified in the
16 order, and issue penalties to those that do not comply.

17 And in this area I think there was a disagreement
18 with the audit report in terms of the percentage of staff
19 inspections on mandated 18 month inspections. And we
20 actually, in July of 2001, we had 95 percent. And since
21 July '01 we've been at 98 percent, above 98 percent.

22 The other thing is the enforcement regulations,
23 which were in progress at the time of the audit report,
24 the Board completed those regulations and they became
25 effective in May of 2001.

1 And also the staff reports back periodically on
2 all enforcement orders issued by LEAs. We've done 3
3 reports. And the next one it will be in April where all
4 the orders are presented to the Board and allows the Board
5 to see what LEAs are doing to ensure that they're
6 comfortable with the actions taken.

7 Also, in April we're going to bring a little
8 broader discussion of the cease and desist order issue, so
9 it gives the Board an opportunity to revisit some of them
10 and us to deal with some of these concerns.

11 And so staff is continuing to provide these
12 ongoing reports, and then also monitor and evaluate LEA
13 performance relative to enforcement. And we also had in
14 the P&E report on the LEA evaluation program which gives
15 the Board some more information on how we make LEAs do
16 what they're supposed to.

17 --o0o--

18 ACTING DEPUTY DIRECTOR WALKER: This ties into
19 recommendation number 10, which is seek legislation to
20 streamline the current process for imposing civil
21 penalties.

22 We had a discussion, the Board had a discussion,
23 in May of 2001. We looked at all the current processes,
24 what was going on in terms of civil penalties, both
25 administrative penalties and then civil penalties,

1 administratively being done not pursuant to a court order,
2 but done by the agency. And civil is being done through
3 petition of the Superior court through a much more
4 involved legal process.

5 In June of 2001, the Board directed staff to
6 pursue legislative changes on specific findings of
7 statutory barriers to do an effective civil penalties
8 process. And in the resolution, the Board found specific
9 items that were statutory barriers to the affected process
10 that were to be developed in a legislative concept, which
11 was done for last year, but it wasn't -- there was no bill
12 that was adopted. And so there was a continued look and
13 hope that maybe at some point --

14 CHAIRPERSON WASHINGTON: Was there an author or
15 did we have anyone who introduced the legislation.

16 ACTING DEPUTY DIRECTOR WALKER: There was some
17 aspects of that that were in our Gloria Romero Bill. She
18 had portions of that that were pulled in. I don't recall
19 what that bill number is, but I know that it was
20 eventually dropped. There was a number of issues, and
21 some of them related to the audit report and joint
22 legislative audit committee, but they -- or the Senate
23 Select Committee on Urban Landfills.

24 CHAIRPERSON WASHINGTON: Well, I would
25 certainly -- I will take the Chair and perhaps Mr. Leary

1 to see if we can get a board sponsored piece of
2 legislation that includes all of this, so we don't have
3 bits and pieces as it relates to this specific streamline
4 for this process.

5 ACTING DEPUTY DIRECTOR WALKER: I won't go into
6 the specifics of it, but the Board deliberated quite
7 thoroughly on this. And we worked quite heavily with the
8 legal office on this, and continued to press forward on
9 this and I'm very hopeful that something will happen.

10 --oOo--

11 ACTING DEPUTY DIRECTOR WALKER: In the area of
12 landfill closure and post-closure, we have 3
13 recommendations. Modify regulations to prevent LEAs from
14 indefinitely extending deadlines for submitted closure
15 plans.

16 Number 12 is modify regulations to reestablish
17 the Board's role as a coordinating agency for review and
18 approval of plans.

19 And then 13 being seek legislation that will
20 allow the Board to offer loans or grants to landfill
21 operators in need of financial assistance to close
22 landfills.

23 We've been successful. The first 2 we actually
24 implemented and the regulations are now effective. So
25 those are successfully implemented as requested in the

1 audit.

2 Number 13 we were also successful in that.

3 Assembly bill 467 established and signed this year,
4 establishes the landfill closure loan program, a zero
5 interest loan for landfill closures.

6 And on that requires us to write regulations.

7 And we should have an item before you to consider to start
8 a formal rule-making next month.

9 --o0o--

10 ACTING DEPUTY DIRECTOR WALKER: Recommendation
11 number 14 is to complete the study of environmental
12 impacts of landfills in the State. And this is the
13 Geosyntech landfill study essentially looking at cross
14 media environmental performance of landfills to provide
15 recommendations and ideas for us to go beyond and increase
16 the environmental performance of our landfills in the
17 State.

18 And this has been a quite extensive project.
19 It's under contract. And again Rubia Packard under the
20 Policy and Analysis Office is coordinating that. And
21 various stages of that have been completed and ultimately
22 they'll be brought before the Board in various items to
23 consider results of that report.

24 COMMITTEE MEMBER MOULTON-PATTERSON: May I, Mr.
25 Chair.

1 CHAIRPERSON WASHINGTON: Madam Chair.

2 COMMITTEE MEMBER MOULTON-PATTERSON: Scott, I was
3 wondering, I don't know if it quite fits here, but one of
4 the things that really amazed me when I first got on the
5 Board and still does, is that not all landfills have
6 scales. And would it be hugely expensive, I mean, if we
7 gave them grants or something?

8 That seems so basic to me. And maybe, you know,
9 as a lay person I just don't understand, but it seems like
10 you've got to have scales.

11 ACTING DEPUTY DIRECTOR WALKER: Right. I think
12 one of the -- what you'll find is that, you know, like
13 from RCRC groups that represent the rural operators and
14 some of the rural landfills. A scale -- some of these
15 landfills are like a couple tons a day. And a scale is
16 going to cost you, you know, \$50,000, maybe at least
17 50,000 bucks to install it.

18 It represents a pretty significant portion of
19 their budget that they don't have as is to even operate
20 landfills as good as they'd like.

21 COMMITTEE MEMBER MOULTON-PATTERSON: So they cost
22 that much?

23 ACTING DEPUTY DIRECTOR WALKER: They can be
24 fairly costly, but it would be something certainly if that
25 there was a grant program someday, I'm sure that the

1 rurals and the very small operations would look into. I
2 think it also -- that's the same thing for transfer
3 stations too, the real small transfer stations, are not
4 required to have scales. They do it through conversion
5 and through volume.

6 COMMITTEE MEMBER MOULTON-PATTERSON: Thank you.

7 ACTING DEPUTY DIRECTOR WALKER: The next 2 -- the
8 final 2 recommendations are in the area of diversion rate
9 calculations and fortunately we have Lorraine and Pat here
10 to rescue me if I blow it. So I'll just kind of touch on
11 these pretty quick.

12 But recommendation 15 is to ensure that reported
13 diversion rates are accurate. The Board should modify
14 regulations to require local governments to revise their
15 base year figures, at least every 5 years. And then it
16 should identify and require local governments needing new
17 base year waste generation studies.

18 The actions taken, the Board has determined it
19 does not have statutory authority to require jurisdictions
20 to perform a new base year every 5 years. And that the
21 Board determined also that there's no basis for a 5 year
22 interval for performing new base year studies. And that
23 the Board may require, however, jurisdictions to perform
24 new base year studies if existing measurement is found to
25 not be as accurate as possible.

1 And then to date also the Board has approved new
2 base years for about 160 jurisdictions. And it's
3 anticipated that many new base years will be scheduled to
4 go before the Board in the near future.

5 CHAIRPERSON WASHINGTON: So why is there no
6 basis --

7 ACTING DEPUTY DIRECTOR WALKER: I think I'll have
8 Pat come up.

9 DEPUTY DIRECTOR SCHIAVO: The statute just
10 doesn't provide for an interval for when new base years
11 need to be constructed. So it just talks in terms of the
12 numbers must be as accurate as possible. So when we go
13 through our biennial review process, we make those
14 assessments. We compare all kinds of available data as
15 well as program implementation data to look at whether or
16 not the numbers appear to be as accurate as they could be.
17 And, you know, we view them as best possible estimates of
18 program implementation efforts.

19 We're actively promoting new base years being
20 completed. If we see that there's an obvious deficiency,
21 we do require jurisdictions to do new base years. In the
22 last biennial review cycle, we placed about 60
23 jurisdictions on compliance orders to perform them.

24 CHAIRPERSON WASHINGTON: As part of the factor do
25 you use population?

1 DEPUTY DIRECTOR SCHIAVO: Once you establish the
2 base year, then you would apply what we call adjustment
3 factors and that would be certain economic factors as well
4 as population.

5 CHAIRPERSON WASHINGTON: Consumer Price Index?

6 DEPUTY DIRECTOR SCHIAVO: Yes.

7 ACTING DEPUTY DIRECTOR WALKER: And then the
8 final recommendation, number 16, is to ensure the Board
9 provides consistent guidance to local governments on how
10 to meet diversion goals. And it directed or requested
11 that several steps be taken including decide on the
12 appropriate types of materials local governments can count
13 as diversion and the methods to quantify those amounts.

14 And, 2, to seek concurrence from the Legislature
15 as to whether its approach meets the original intent of
16 the mandate.

17 The Board found that current statute specifies
18 the materials allowed as diversion. Also, the Board
19 adopted a diversion study guide to assist jurisdictions.
20 The Board also adopted a comprehensive system as required
21 by statute. And this included a broad policy perspective
22 on approving the measurement system.

23 And then also the Board provided policy
24 guidelines regarding statewide issues for special
25 circumstances like Class 2 wastes. And then the Board is

1 currently, staff from Diversion, Planning and Local
2 Assistance Division are involved in the revision of the
3 disposal reporting system regulations which ties into
4 this.

5 So that concludes the presentation. Basically,
6 I've given you an update on the audit report, what the
7 Board's done, ongoing activities. There's been a lot of
8 work on this since the audit report was issued, and it
9 continues.

10 And with that I'll leave it to questions and
11 discussion.

12 CHAIRPERSON WASHINGTON: Thank you. Is there any
13 questions?

14 I would just like to ask counsel, I would like
15 you to take a look at Senate Bill 1542 by Escutia and see
16 does that give us legislative and statutory authority to
17 deny a permit based on noncompliance. And I'll provide
18 this for you if you don't have it already.

19 CHIEF COUNSEL TOBIAS: Sure.

20 COMMITTEE MEMBER MEDINA: Chair Washington, I had
21 a comment.

22 CHAIRPERSON WASHINGTON: I'm sorry?

23 CHIEF COUNSEL TOBIAS: I was just saying sure we
24 can do that.

25 CHAIRPERSON WASHINGTON: Okay, thank you.

1 COMMITTEE MEMBER MEDINA: And as I recall, there
2 was 3 of us that sat on the Board and this committee. We
3 actually began to review all the existing board policies
4 to see which ones needed to be changed or not. We started
5 making some pretty good head and somewhere along the way
6 the process came to a halt.

7 As I recall, it was either Crescent City or
8 Eureka where we ran into some issue that bogged us down.
9 But we had made a very good start to overhaul a lot of
10 these policies. I hope we can take that up again.

11 CHAIRPERSON WASHINGTON: Absolutely. Any
12 questions or comments?

13 Thank you, Mr. Walker. I appreciate your time
14 and effort on this issue.

15 All right. Are there any public comments?

16 Mr. Leary.

17 EXECUTIVE DIRECTOR LEARY: Mr. Chairman, did you
18 want to do the review of the monthly board agenda?

19 Whenever you're ready.

20 Thank you, Ms. Jordan.

21 DEPUTY DIRECTOR JORDAN: Thank you.

22 (Thereupon the California Integrated Waste
23 Management Board, Budget and Administration
24 Committee meeting adjourned at 2:30 p.m.)
25

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Budget and Administration Committee meeting was reported
8 in shorthand by me, James F. Peters, a Certified Shorthand
9 Reporter of the State of California, and thereafter
10 transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 25th day of March, 2003.

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22
23 JAMES F. PETERS, CSR, RPR
24 Certified Shorthand Reporter
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